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## **PRESS RELEASE**

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**FOR IMMEDIATE RELEASE**

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### **MEXICAN MAN INDICTED ON ALIEN SMUGGLING CHARGES IN ROLLOVER CASE INVOLVING DEATH NEAR WILCOX, ARIZ.**

TUCSON, Ariz. -- A federal grand jury here returned a 15-count indictment on February 9, 2005 against Jorge Ayala Guadarrama-Ascuncion, aka Jorge Ayala-De Ascuncion, age 31, of Estapa de la Sal, Mexico.

The complaint alleges that on January 8, 2005, a suspected stolen Ford F-250 truck on Highway 191, approximately ten miles south of Wilcox, Ariz., failed to yield to Arizona Department of Public Safety Officers and U.S. Border Patrol Agents and increased its speed to between 80 and 90 miles per hour. Officials attempted to slow the vehicle by placing tire deflation devices in the roadway. Shortly after passing the tire deflation devices, the truck went out of control, rolled over several times and left the roadway, ejecting many of the truck's occupants. The suspected driver died at the scene. One other person died later at a Tucson hospital and another person remains in critical condition. A total of 14 people, including Guadarrama-Ascuncion, were riding in the truck when the accident occurred, all of whom were identified as Mexican citizens present in the U.S. illegally.

According to the complaint, the defendant denied being part of an alien smuggling operation, but four of the five material witnesses identified him as the person who guided their group illegally across the U.S. border from Mexico. The fifth material witness stated that Guadarrama-Ascuncion threatened the life of anyone in the group who talked. Three of the witnesses stated that they paid thousands of Mexican pesos to be smuggled into the U.S.

The indictment alleges that Guadarrama-Ascuncion conspired to bring in six illegal aliens, conspired to transport seven illegal aliens involving a risk of serious bodily injury and

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death to the illegal aliens, brought into the U.S. six illegal aliens, and transported seven illegal aliens involving a risk of serious bodily injury and death to the illegal aliens as a result of a vehicular rollover that occurred on January 8, 2005, in Wilcox, Ariz. The indictment includes violations of Title 8, U.S. Code, Sections 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii), 1324(a)(1)(A)(i), 1324(a)(1)(B)(iii), 1324(a)(1)(B)(i), 1324(a)(2)(B)(ii), 1324(a)(2)(B)(iii), and 1324(a)(1)(B)(iv).

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

A conviction for the most serious offenses which involve alien smuggling resulting in death of two of the material witnesses carries a maximum penalty of life imprisonment, a \$250,000 fine or both.

The investigation preceding the indictment was conducted by agents of U.S. Immigration and Customs Enforcement, U.S. Border Patrol and Ariz. Department of Public Safety. The prosecution is being handled by Raquel Arellano, Assistant U.S. Attorney, District of Arizona, Tucson, Ariz.

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